

REMARKS

Claims 15-28 are pending in this application. By this Amendment, the specification is amended in response to the objection in paragraph 1, on page 2 of the Office Action.

Applicants thus respectfully request the withdrawal of the objection. No new matter is added by these amendments.

In paragraph 2, on page 2 of the Office Action, claims 15-20, 22, and 24-28 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application No. 2002/0094222 to Furuya et al. (Furuya). The rejection is respectfully traversed.

Applicants' claim 15 calls for, among other features, . . . a controller which controls at least one of revolving speed, revolving time and revolving timing of the ejection roller in the ejection of the tape-like object depending on at least one selected from a type of the tape-like object, a thickness of the tape-like object, a width of the tape-like object and a feeding length of the tape-like object by the feeding mechanism.

Applicants' claim 18 calls for, among other features, . . a controller which executes driving control of the ejection roller in the ejection of the tape-like object which has been cut off, depending on at least one selected from a type of the tape-like object and a feeding length of the tape-like object by the feeding mechanism at a point when the tape-like object is cut off by the cutting mechanism.

Applicants' claim 27 calls for, among other features, . . . a controller which executes driving control of the ejection roller in the ejection of the tape-like object which has been cut off, depending on at least one selected from a type of the tape-like object and a feeding length of the tape-like object by the feeding mechanism at a point when the tape-like object is cut off by the cutting mechanism.

Thus, all of the independent claims 15, 18 and 27 call for a controller which controls an ejection roller in some manner based on determined tape conditions. Furuya does not disclose this feature.

Furuya discloses a tape printing apparatus that forcibly discharges a cut-off strip of a tape material out of the apparatus. The tape printing apparatus produces a label by printing letters and figures on a peel-off paper-backed tape and cutting off a printed portion of the tape to a predetermined length (paragraph [0090]). The tape printing apparatus includes a full-cutting means 300 and a half-cutting means 400. A discharge path 18 serves as a feed path of the tape material 210 from a cartridge compartment 140 through the full-cutting means 300, the half-cutting means 400, a tape strip-discharging means 500 to a tape exit 110 (paragraph [0093]). While feeding the tape material in the form of a laminate of a printing tape and a peel-off paper, Furuya provides a half-cut portion in the printed portion of the tape material so as to facilitate the peeling of the peel-off paper and fully cuts the printed portion of the tape material to a predetermined length, thereby producing a label.

In Furuya, the strip discharging means 500 is positioned between the half-cutting means 400 and the tape exit 110 for forcibly discharging the tape material 210 cut off by the full cutting means 300 from the tape exit 110 (paragraph [00163]). The tape discharge device forcibly discharges the cut-off tape strip by “flicking” the strip out of the apparatus via the tape exit 110. The strip is flicked out of the apparatus based upon the torque of a discharge roller 510 (paragraph [00165]). The discharge roller 510 rotates in synch with the cutting operation of the full-cutting means (paragraph [00166]). Therefore, the tape discharging means 500 only operates when the full-cutting operation is being carried out (paragraphs [00167]-[00168]).

Thus, Furuya controls its ejection roller (discharge roller 510) based upon its full-cutting means 300 and not upon based upon a determined tape condition, such as the type

(claims 15, 18, 27), the thickness (claim 15), the width (claim 15) or the length (claims 15, 18 27) of the tape-like object, as recited in the claims of the invention.

The Office Action contends that Furuya controls the ejection of its device based upon the length of the tape. Applicants respectfully disagree. Furuya does use its tape length as a variable which controls portions of its operation. However, Furuya uses the tape length to carry out the “feed printing”, instead of controlling the revolving speed, time or timing of the ejection roller (paragraph [0183]). Furuya determines the distance (L1) between a print head 150 and the full-cutting means, and determines the distance (L2) between the full-cutting means and the half-cutting means. Furuya begins printing the tape by feed printing (printing which is carried out while feeding the tape) based upon length L1. The printing operation and the tape feeding operation are suspended while the full-cutting operation is performed to cut off any unnecessary portion of the tape (paragraph [0184]). Next, Furuya prints the remaining portion of data on the tape label. Once the feed printing based upon L1 and L2 is carried out, Furuya suspends the printing and tape feeding operation once again to perform the half-cutting process (paragraph [0184]).

Furuya suspends operation of its feed printing operation when the full-cutting is performed. Once the operation of the feeding printing operation stops and the full-cutting operation begins, the length of the paper does not "directly or indirectly" control the operation of the full-cutting means 300. In other words, Furuya uses one operating variable, the length of the tape, to control its feed printing operation, and another operating variable, its full-cutting means 300, to control the operation of its ejection roller. Therefore, the operation of the full-cutting means 300 and the ejection roller 510 in Furuya are not controlled by the length of the tape.

Accordingly, Applicants respectfully submit that Furuya does not literally disclose, i.e., anticipate the subject matter of claims 15, 18 and 27. Thus, it cannot anticipate claims

16, 17, 20, 22, 24-26 and 28. Further, for the reasons discussed, Furuya does not suggest claims 15, 18 and 27, or dependent claims 16, 17, 19, 20, 22, 24-26 and 28, which include additional features. Reconsideration and withdrawal of this rejection are respectfully requested.

In paragraph 2, on page 6 of the Office Action, claim 21 was rejected under 35 U.S.C. §103(a) as being unpatentable over Furuya in view of U.S. Patent No. 5,855,441 to Kano. Applicants respectfully traverse the rejection.

Claim 18 is set forth above. Claim 21 depends from claim 18. Kano does not compensate for the deficiencies of Furuya outlined above with respect to claim 18. Thus, the asserted combination of Furuya and Kano does not render claim 21 obvious for at least the reasons set forth above with respect to claim 18 and as well for the additional feature claim 21 recites.

In paragraph 5 on page 6 of the Office Action, claim 23 is rejected under 35 U.S.C. §103(a) as being unpatentable over Furuya in view of U.S. Patent No. 5,769,411 to Nakagawa et al. (Nakagawa). Applicants respectfully traverse this rejection.

First, Nakagawa does not cure the deficiencies of Furuya as discussed with respect to claim 18. Claim 23 depends from claim 18. Thus, the asserted combination of Furuya and Nakagawa does not render claim 23 obvious for at least the reasons set forth above with respect to claim 18 and as well for the additional feature claim 23 recites.

Second, even if the applied references were combined, (which would not have been obvious for the reasons set forth above), the combination would not render Applicants' invention obvious. The combination of Furuya and Nakagawa fails to disclose a common driving system which is used for driving the ejection roller and the feeding mechanism; and a power connection/disconnection mechanism for switching connection/disconnection of power transmission from the common driving system to the ejection roller or the feeding

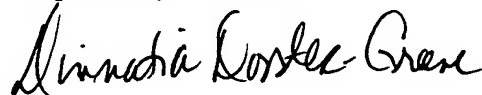
mechanism, wherein the ejection roller and the feeding mechanism are controlled independently by controlling the power connection/disconnection mechanism.

Third, there is no motivation to combine the automatic driving system of Nakagawa which feeds individual sheets of paper through a laser beam printer with the tape label feeding means of Furuya. Nakagawa is directed to a copying apparatus or a laser beam printer, while Furuya is directed to a tape label printing device.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 15-28 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Dinnatia Doster-Greene
Registration No. 45,268

JAO:DJD

Date: July 3, 2006

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--